

PREVAILED

Roll Call No. _____

FAILED

Ayes _____

WITHDRAWN

Noes _____

RULED OUT OF ORDER

HOUSE MOTION _____

MR. SPEAKER:

I move that House Bill 1463 be amended to read as follows:

- 1 Page 3, between lines 9 and 10, begin a new paragraph and insert:
- 2 "SECTION 9. IC 4-32-7-4 IS AMENDED TO READ AS
- 3 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 4. (a) The department
- 4 has the sole authority to license entities under this article to sell,
- 5 distribute, or manufacture the following:
- 6 (1) Bingo cards.
- 7 (2) Bingo boards.
- 8 (3) Bingo sheets.
- 9 (4) Bingo pads.
- 10 (5) Any other supplies, devices, or equipment designed to be used
- 11 in playing bingo designated by rule of the department.
- 12 (6) Pull tabs.
- 13 (7) Punchboards.
- 14 (8) Tip boards.
- 15 (b) Qualified organizations must obtain the materials described in
- 16 subsection (a) only from an entity licensed by the department.
- 17 (c) The department may not limit the number of qualified entities
- 18 licensed under subsection (a).
- 19 **(d) A qualified organization may sell only pull tabs,**
- 20 **punchboards, and tip boards that are obtained in compliance with**
- 21 **the requirements set forth in IC 4-32-15-3.5."**
- 22 Page 7, line 28, delete "section." and insert "**subsection.**".
- 23 Page 7, line 28, delete "In addition," and insert "**Except as provided**

1 in subsections (c) and (d),".

2 Page 7, line 29, delete "section." and insert "**subsection.**".

3 Page 7, between lines 30 and 31, begin a new paragraph and insert:

4 "**(c) A student selling raffle tickets on behalf of the student's**
5 **school may receive points or prizes awarded by the school based**
6 **upon the number of raffle tickets sold by the student.**

7 **(d) If a school:**

8 **(1) purchases property from an individual for the purpose of**
9 **using the property as a prize in a raffle conducted under this**
10 **article; and**

11 **(2) designates the individual to sell tickets for the raffle on**
12 **behalf of the school;**

13 **the individual may receive the fair market value of the property in**
14 **the transaction described in subdivision (1).".**

15 Page 7, line 34, delete "All net proceeds from an allowable".

16 Page 7, delete lines 35 through 36, begin a new paragraph and
17 insert:

18 "**(b)** All net proceeds from an allowable event and related activities
19 may only be used for the lawful purposes of the qualified
20 organization.".

21 Page 7, line 37, delete "(b)" and insert "(c)".

22 Page 7, delete lines 40 through 42, begin a new line block indented
23 and insert:

24 "**(1) An amount equal to the total value of the prizes awarded**
25 **at the allowable event.**

26 **(2) An amount equal to the total value of the door prizes**
27 **awarded at the allowable event.**

28 **(3) The amount of the qualified organization's license fees**
29 **attributable to the allowable event as determined under**
30 **subsection (f).".**

31 Page 8, between lines 3 and 4, begin a new line block indented and
32 insert:

33 "**(5) An amount equal to the qualified organization's allowable**
34 **expenditures for the allowable event as permitted under**
35 **section 16.3 of this chapter.**".

36 Page 8, line 4, delete "(c)" and insert "**(d)**".

37 Page 8, line 23, delete "(d)" and insert "**(e)**".

38 Page 8, between lines 25 and 26, begin a new paragraph and insert:

39 "**(f) To determine the amount of a qualified organization's**
40 **license fees that are attributable to a particular allowable event,**
41 **the qualified organization shall divide:**

42 **(1) the amount of the qualified organization's license fee for**
43 **the license under which the allowable event is held; by**

44 **(2) the number of allowable events held under the license.**

45 **(g) A qualified organization's allowable expenditures subtracted**
46 **under subsection (b)(5) must be supported by receipts or other**

evidence required by the department. The allowable expenditures are subject to audit and review by the department.

(h) A rule of the department concerning the amount of a qualified organization's charity gaming proceeds that must be used for the qualified organization's charitable purposes that does not contain provisions substantially similar to subsection (b) is void."

Page 8, after line 42, begin a new paragraph and insert:

"SECTION 19. IC 4-32-9-16.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: **Sec. 16.3. (a) A qualified organization's allowable expenditures for an allowable event are limited to the following:**

(1) Rent as permitted under section 20 of this chapter.

(2) Expenditures for the lease of personal property used to conduct the allowable event. Expenditures under this subdivision may not exceed fifty dollars (\$50) per allowable event.

(3) Reasonable expenditures for consumables used at the allowable event that are unrelated to the qualified organization's gaming operations, including cups, plates, napkins, cleaning supplies, and other similar items.

(4) Reasonable advertising expenditures.

(5) Reasonable expenditures related to providing security personnel for the allowable event.

(b) A qualified organization may not employ more than three (3) security personnel at an allowable event."

Page 9, between lines 23 and 24, begin a new paragraph and insert:

"SECTION 21. IC 4-32-9-20 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: **Sec. 20. (a)** Except as provided in subsection (d), if facilities are leased for an allowable event, the rent may not:

(1) be based in whole or in part on the revenue generated from the event; or

(2) exceed two hundred dollars (\$200) per day.

(b) A facility may not be rented for more than three (3) days during a calendar week for an allowable event.

(c) If personal property is leased for an allowable event, the rent may not be based in whole or in part on the revenue generated from the event.

(d) If a qualified organization conducts an allowable event in conjunction with or at the same facility where the qualified organization or its affiliate is having a convention or other meeting of its membership, facility rent for the allowable event may exceed two hundred dollars (\$200) per day. A qualified organization may conduct only one (1) allowable event under this subsection in a calendar year.

(e) A lease of a facility for an allowable event:

(1) must be in writing;

(2) must be between the owner of the facility and a qualified organization; and

(3) may not be a sublease.

(f) This subsection applies to leases entered into after June 30, 2003. If a qualified organization leases a facility by the year to be used for allowable events and to:

(1) hold the qualified organization's meetings;

(2) conduct the qualified organization's business; and

(3) carry out all other functions of the qualified organization;

the maximum rent amount set forth in subsection (a) applies to each day that the qualified organization occupies the leased facility. The annual rent for a facility described in this subsection may not exceed seventy-three thousand dollars (\$73,000).

SECTION 22. IC 4-32-9-21, AS AMENDED BY P.L.129-2001, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 21. (a) Except where a qualified organization or its affiliate is having a convention or other annual meeting of its membership, a qualified organization may only conduct an allowable event in the county where the principal office of the qualified organization is located. The principal office of a qualified organization shall be determined as follows:

(1) Except as provided in subdivision (3) or ~~subdivision~~ (4), if a qualified organization is a corporation, the principal office shall be determined by the street address of the corporation's registered office on file with the secretary of state.

(2) If a qualified organization is not a corporation, the principal office shall be determined by the street address of the organization on file with the Internal Revenue Service, the department, or county property tax assessment board of appeals for tax exempt purposes.

(3) If a qualified organization is affiliated with a parent organization that:

(A) is organized in Indiana; and

(B) has been in existence for at least five (5) years;

the principal office shall be determined by the principal place of business of the qualified organization.

(4) If a qualified organization is affiliated with a parent organization that:

(A) is a nationally recognized charitable organization;

(B) serves a majority of counties in Indiana; and

(C) has been in existence for at least twenty-five (25) years;

the principal office shall be deemed to be present in every county served by the organization.

(b) If a qualified organization is considered to have a principal office in more than one (1) county, the qualified organization is limited to one (1) license under this article per day. An officer of the qualified organization who lives in the county in which a

proposed allowable event will be held must sign the application for the license to conduct the allowable event."

Page 10, line 11, reset in roman "(a) The total prizes".

Page 10, reset in roman line 12.

Page 10, line 13, reset in roman "exceed".

Page 10, line 13, after "(\$2,000)." insert **"five thousand dollars (\$5,000)."**

Page 10, line 14, reset in roman "(b)".

Page 10, line 14, delete "(a)".

Page 10, line 17, reset in roman "(c)".

Page 10, line 17, delete "(b)".

Page 10, between lines 36 and 37, begin a new paragraph and insert:
"SECTION 35. IC 4-32-9-34 IS AMENDED TO READ AS
FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 34. (a) Except as
provided in subsection (b), the following persons may not play or
participate in any manner in an allowable event:

(1) An employee of the department.

(2) A person less than eighteen (18) years of age.

(b) A person less than eighteen (18) years of age may sell tickets or
chances for a raffle.

**(c) A qualified organization may not allow a person less than
eighteen (18) years of age, including a person employed by a third
party caterer, to serve food or drinks in the area where gaming is
conducted or to interact with the participants in an allowable event
in the area where gaming is conducted."**

Page 11, between lines 22 and 23, begin a new paragraph and insert:

"SECTION 26. IC 4-32-9-37 IS ADDED TO THE INDIANA CODE
AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
1, 2003]: Sec. 37. (a) Except as provided in subsection (b), a
qualified organization may not conduct any activity relating to the
qualified organization's charity gaming operations on the Internet.

**(b) A qualified organization may advertise an allowable event
on the Internet.**

SECTION 27. IC 4-32-9-38 IS ADDED TO THE INDIANA CODE
AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
1, 2003]: Sec. 38. (a) **A qualified organization may accept only
United States currency and coin from players participating in an
allowable event.**

**(b) A qualified organization may not extend credit to a player
at an allowable event."**

Page 14, after line 39, begin a new paragraph and insert:

"SECTION 33. IC 4-32-15-3 IS AMENDED TO READ AS
FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 3. The department shall
establish procedures by which each licensed entity must account for the
following:

(1) The tax collected under this chapter by the licensed entity.

1 (2) The **serial numbers or other distinguishing numbers or**
2 **identification marks of the** pull tabs, punchboards, and tip
3 boards sold by the licensed entity.

4 (3) The funds received for sales of pull tabs, punchboards, and tip
5 boards by the licensed entity.

6 SECTION 34. IC 4-32-15-3.5 IS ADDED TO THE INDIANA
7 CODE AS A NEW SECTION TO READ AS FOLLOWS
8 [EFFECTIVE JULY 1, 2003]: **Sec. 3.5. The department shall**
9 **establish procedures by which each qualified organization must**
10 **account for the following:**

11 (1) The **serial numbers or other distinguishing numbers or**
12 **identification marks of the** pull tabs, punchboards, and tip
13 **boards purchased by the qualified organization.**

14 (2) The **amounts paid for the purchase of pull tabs,**
15 **punchboards, and tip boards by the qualified organization."**

16 Renumber all SECTIONS consecutively.

(Reference is to HB 1463 as printed February 28, 2003.)

Representative Whetstone